



November 8, 2019

Confidential Submission for USEPA Use Only  
Via First Class Mail & E-Mail

U.S. Environmental Protection Agency, Region 7  
Attn: Jodi Bruno, Biosolids Coordinator  
11201 Renner Blvd.  
Lenexa, KS 66219  
Bruno.jodi@epa.gov

Re: Response of Denali Water Solutions, LLC to the August 15, 2019 Information  
Request by the U.S. Environmental Protection Agency, Article No: 7014 1200  
0000 6118 6207

Dear Ms. Bruno:

Enclosed is the third response of Denali Water Solutions, LLC ("Denali" or "Denali Water Solutions") to the request for information by the U.S. Environmental Protection Agency, Region 7, dated August 15, 2019, directed to Denali Water Solutions. As described in our response, "Denali Solid Solutions," to which the request for information was addressed, is not the name of any existing entity or a division; Solid Solutions, LLC is a subsidiary of Denali Water Solutions.

Consistent with September 18, 2019 email correspondence between you and our outside counsel for this matter, Richard Davis of Beveridge & Diamond, P.C., Denali is providing annual reports and lab sheets from generating publicly-owned treatment works for 2018. Denali is providing lab sheets from generating publicly-owned treatment through October 2019. As 2019 is ongoing, Denali's annual report is not available yet. Denali submits its annual reports to EPA no later than February 19 of each year, pursuant to the requirements of 40 C.F.R. Pt. 503.

Accordingly, Denali will provide its 2019 annual report to EPA Region 7 no later than February 19, 2020. Denali will submit the remaining lab sheets for 2019 at the same time. Denali is also producing one additional lab sheet for 2014 that was inadvertently omitted from its October 10, 2019 production.

Denali will provide soil sampling for Desert Ridge Farms no later than December 20, 2019 as further discussed in email correspondence between Mr. Davis and Ms. Patricia Miller, Office of Regional Counsel, EPA Region 7, on October 22, 2019 and October 28, 2019, and subject to the outcome of any additional discussions and email correspondence between Mr. Davis and Ms. Bruno and Ms. Miller.

Please contact Richard Davis with any questions. Richard can be reached at his office at (202) 789-6025, on his cell at (301) 775-7453, or at [rdavis@bdlaw.com](mailto:rdavis@bdlaw.com).



Sincerely,

A handwritten signature in black ink, appearing to read "Chris Marks", written over the word "Sincerely,".

Chris Marks, Environmental Manager  
On behalf of Denali Water Solutions, LLC

Enclosures

cc: Richard Davis, Esq., Beveridge & Diamond, P.C.



**DENALI WATER SOLUTIONS, LLC' RESPONSE TO THE AUGUST 15, 2019  
INFORMATION REQUEST BY U.S. ENVIRONMENTAL PROTECTION  
AGENCY, REGION 7**

**INTRODUCTION**

Denali Water Solutions, LLC ("Denali" or "Denali Water Solutions") submits these responses to the August 15, 2019 Information Request (the "Information Request" or the "Request") issued by the U.S. Environmental Protection Agency, Region 7 ("EPA") pursuant to Section 308 of the Clean Water Act ("CWA"), 33 U.S.C. § 1318. Denali notes that EPA transmitted the Information Request to "Denali Solid Solutions." The entity Solid Solutions, LLC is wholly owned and operated by Denali Water Solutions. "Denali Solid Solutions" is not the name of an existing entity or division. Denali understands the Information Request to have been intended for Denali Water Solutions and any relevant subsidiaries. Denali Water Solutions is providing this response consistent with that understanding.

Subject to the specific objections noted in each response and the General Objections that follow these responses, Denali responses to the Request as follows:

**RESPONSE TO INFORMATION REQUESTS**

- 1. Please identify the person to contact regarding your submission, including title, address and email and/or phone number.**

Per Denali's cover letter accompanying this response, Denali's outside counsel, Richard Davis of Beveridge & Diamond, P.C. can be contacted with questions regarding this response at 1350 I Street, N.W., Suite 700, Washington, DC 20005; e-mail address: [rdavis@bdlaw.com](mailto:rdavis@bdlaw.com); office phone: (202) 789-6025; or cell: (301) 775-7453.

- 2. Your responses to this Request for Information are to be provided by a knowledgeable and qualified professional. For each response required below, provide the name, title, and credentials of the person(s), including consultant, providing information in response to this Request for Information.**

Denali objects to this request as vague with respect to the term "knowledgeable and qualified professional." Subject to and without waiving these objections, Denali responds as follows. Denali incorporates its response to Request 1, above, in response to this request and all subsequent requests. Chris Marks, Environmental Manager at Denali Water Solutions provided information in response to all Requests included in EPA's August 15, 2019 Information Request. Inquiries regarding these responses should be directed to Denali's outside counsel.



*Please provide the following information for Biosolids land applied 2014 to present at sites in California and Arizona:*

**3. For all sewage sludge related materials applied by Denali Solid Solutions in California and Arizona during calendar years 2014, 2015, 2016, 2017, 2018 and to date in 2019, provide all records pertaining to the following:**

**a. All records identifying:**

**i. The location of each land application area specifying latitude and longitude.**

**RESPONSE:**

Denali objects to this request as being vague, overly broad, and unduly burdensome. On its face, this Request seeks virtually every document that Denali might possess identifying the latitude and longitude of biosolids land application on a combination of fifteen different farms in Arizona and California over five and a half years, encompassing many thousands of acres. Biosolids are land applied to anywhere from four to twenty fields per farm, with the number of fields receiving biosolids depending on the specific farm and year. Denali further objects to this Request to the extent that it requests documents relating to entities other than Denali and that may not be in Denali's possession, custody, or control. This Request also seeks documents and information that Denali has previously provided to EPA.

Subject to and without waiving these objections, Denali responds as follows. Between 2014 and August, 2019, Denali has land applied biosolids on the farms in Arizona and California listed in Appendix A, with the specific farms where biosolids were land applied varying by year. Pursuant to the September 18, 2019 email correspondence between Jodi Bruno, Biosolids Coordinator, EPA Region 7, and Richard Davis, Denali's outside counsel for this matter, Denali agreed to produce annual reports and lab reports for all land application of biosolids in Arizona and California in two-year tranches on October 11 (2014-2015), October 25 (2016-2017), and November 8 (2018-2019 to date). Denali produced annual reports and lab reports for all land application of biosolids in Arizona and California for 2014-2015 on October 11 and for 2016-2017 on October 25. If EPA requires additional records after reviewing Denali's three initial submissions, Denali will coordinate with EPA to determine the scope and schedule of any subsequent productions.

Per the September 2019 email correspondence described above, Denali is at this time producing the following documents that it has identified pertaining to the Arizona and California farms identified in Appendix A: the annual report for each field where biosolids were land applied in 2018. As 2019 is ongoing, Denali's annual report is not available yet. Denali submits its annual reports to EPA no later than February 19 of each year. Accordingly, Denali will provide the annual report for each field where biosolids were land applied in 2019 no later than February 19, 2020. The 2018 annual report specifies the latitude and longitude of each land application site in Arizona and California where biosolids were land applied in 2018, and the 2019 annual report will accomplish the same for 2019.



**ii. The size of each land application area in acres.**

**RESPONSE:**

Denali objects to this request as being vague, overly broad, and unduly burdensome. On its face, this Request seeks virtually every document that Denali might possess specifying the size of all sites where biosolids were land applied on a combination of fifteen different farms in Arizona and California over five and a half years, encompassing many thousands of acres. Biosolids are land applied to anywhere from four to twenty fields per farm, with the number of fields receiving biosolids depending on the specific farm and year. Denali further objects to this Request to the extent that it requests documents relating to entities other than Denali and that may not be in Denali's possession, custody, or control. This Request also seeks documents and information that Denali has previously provided to EPA.

Subject to and without waiving these objections, Denali responds as follows. Between 2014 and August 2019, Denali has land applied biosolids on the farms in Arizona and California listed in Appendix A, with the specific farms where biosolids were land applied varying by year. Pursuant to the September 18, 2019 email correspondence referenced above, Denali is at this time producing the following documents that it has identified pertaining to the Arizona and California farms identified in Appendix A: the annual report for each field where biosolids were land applied in 2018. As 2019 is ongoing, Denali's annual report is not available yet. Denali submits its annual reports to EPA no later than February 19 of each year. Accordingly, Denali will provide the annual report for each field where biosolids were land applied in 2019 no later than February 19, 2020. The 2018 annual report specifies the total area of each land application site in acres for 2018, and the 2019 annual report will accomplish the same for 2019.

**iii. The total amount of biosolids applied to each land application area by year.**

**RESPONSE:**

Denali objects to this request as being vague, overly broad, and unduly burdensome. On its face, this Request seeks virtually every document that Denali might possess specifying the total amount of biosolids land applied on a combination of fifteen different farms in Arizona and California over five and a half years, encompassing many thousands of acres. Biosolids are land applied to anywhere from four to twenty fields per farm, with the number of fields receiving biosolids depending on the specific farm and year. Denali further objects to this Request to the extent that it requests documents relating to entities other than Denali and that may not be in Denali's possession, custody, or control. This Request also seeks documents and information that Denali has previously provided to EPA.

Subject to and without waiving these objections, Denali responds as follows. Between 2014 and August 2019, Denali has land applied biosolids on the farms in Arizona and California listed in Appendix A, with the specific farms where biosolids were land applied varying by year. Pursuant to the September 18, 2019 email correspondence referenced above, Denali is at this time producing the following documents that it has identified pertaining to the Arizona and California farms identified in Appendix A: the annual report for each field where biosolids were



land applied in 2018. As 2019 is ongoing, Denali's annual report is not available yet. Denali submits its annual reports to EPA no later than February 19 of each year. Accordingly, Denali will provide the annual report for each field where biosolids were land applied in 2019 no later than February 19, 2020. The 2018 annual report specifies the total amount of biosolids applied to each land application site on an annual basis for 2018, and the 2019 annual report will accomplish the same for 2019.

**iv. The amount of biosolids applied to each land application area from each generating wastewater treatment facility by year and identifying the individual wastewater facility by name.**

**RESPONSE:**

Denali objects to this request as being vague, overly broad, and unduly burdensome. On its face, this Request seeks virtually every document that Denali might possess relating to the amount of biosolids that each generating wastewater treatment facility contributed to land application at a combination of fifteen different farms in Arizona and California over five and a half years, encompassing many thousands of acres. Biosolids are land applied to anywhere from four to twenty fields per farm, with the number of fields receiving biosolids depending on the specific farm and year. Denali further objects to this Request to the extent that it requests documents relating to entities other than Denali and that may not be in Denali's possession, custody, or control. This Request also seeks documents and information that Denali has previously provided to EPA.

Subject to and without waiving these objections, Denali responds as follows. Between 2014 and August 2019, Denali has land applied biosolids on the farms in Arizona and California listed in Appendix A, with the specific farms where biosolids were land applied varying by year. Pursuant to the September 18, 2019 email correspondence referenced above, Denali is at this time producing the following documents that it has identified pertaining to the Arizona and California farms identified in Appendix A: the annual report for each field where biosolids were land applied in 2018. As 2019 is ongoing, Denali's annual report is not available yet. Denali submits its annual reports to EPA no later than February 19 of each year. Accordingly, Denali will provide the annual report for each field where biosolids were land applied in 2019 no later than February 19, 2020. The 2018 annual report specifies the total amount of biosolids that each generating wastewater treatment facility contributed to land application at each land application site on an annual basis in 2018, and the 2019 annual report will accomplish the same for 2019.

**v. The dates the application of biosolids were made to each field.**

Denali objects to this request as being vague, overly broad, and unduly burdensome. On its face, this Request seeks virtually every document that Denali might possess specifying when biosolids were land applied on a combination of fifteen different farms in Arizona and California over five and a half years, encompassing many thousands of acres. Biosolids are land applied to anywhere from four to twenty fields per farm, with the number of fields receiving biosolids depending on the specific farm and year. Denali further objects to this Request to the extent that it requests documents relating to entities other than Denali and that may not be in Denali's



possession, custody, or control. This Request also seeks documents and information that Denali has previously provided to EPA.

Subject to and without waiving these objections, Denali responds as follows. Between 2014 and August 2019, Denali has land applied biosolids on the farms in Arizona and California listed in Appendix A, with the specific farms where biosolids were land applied varying by year. Pursuant to the September 18, 2019 email correspondence referenced above, Denali is at this time producing the following documents that it has identified pertaining to the Arizona and California farms identified in Appendix A: the annual report for each field where biosolids were land applied in 2018. As 2019 is ongoing, Denali's annual report is not available yet. Denali submits its annual reports to EPA no later than February 19 of each year. Accordingly, Denali will provide the annual report for each field where biosolids were land applied in 2019 no later than February 19, 2020. The 2018 annual report specifies the date(s) which biosolids land application began at each land application site in 2018, and the 2019 annual report will accomplish the same for 2019.

**b. All records and information utilized in the agronomic rate calculations broken out by application area in California and Arizona, including:**

**i. Biosolids analyses including, but not limited to, Percent solids, Total Kjeldahl Nitrogen (TKN), NH<sub>4</sub>-N (ammonium nitrogen), NO<sub>3</sub>-N (nitrate), and Organic N (TKN minus NH<sub>4</sub>-N).**

**RESPONSE:**

Denali objects to this request as being vague, overly broad, and unduly burdensome. On its face, this Request seeks virtually every document that Denali might possess relating to any analytical testing of Biosolids land applied on a combination of fifteen different farms in Arizona and California over five and a half years, encompassing many thousands of acres. Biosolids are land applied to anywhere from four to twenty fields per farm, with the number of fields receiving biosolids depending on the specific farm and year. Denali further objects to this Request to the extent that it requests documents relating to entities other than Denali and that may not be in Denali's possession, custody, or control. This Request also seeks documents and information that Denali has previously provided to EPA.

Subject to and without waiving these objections, Denali responds as follows. Between 2014 and August 2019, Denali has land applied biosolids on the farms in Arizona and California listed in Appendix A, with the specific farms where biosolids were land applied varying by year. Pursuant to the September 18, 2019 email correspondence referenced above, Denali is at this time producing the following documents that it has identified pertaining to the Arizona and California farms identified in Appendix A: the annual report for each field where biosolids were land applied in 2018, and lab reports documenting testing results for biosolids land applied in 2018 and through September 2019. As 2019 is ongoing, Denali's annual report is not available yet and lab sheets are only available through October. Denali submits its annual reports to EPA no later than February 19 of each year. Accordingly, Denali will provide the annual report for each field where biosolids were land applied in 2019 no later than February 19, 2020. Denali will submit the remaining lab sheets for 2019 at the same time. The 2018 annual report includes



biosolids analyses for nitrate, organic nitrogen, and Total Kjeldahl Nitrogen and the 2019 annual report will accomplish the same for 2019. The specific biosolids analyses contained in each lab report vary by specific report, but certain reports being produced include biosolids analyses for nitrate, organic nitrogen, Total Kjeldahl Nitrogen, percent solids, and ammonia nitrogen, among other analyses.

**ii. Soil data including, but not limited to, pH, nutrient levels, organic matter and heavy metals.**

**RESPONSE:**

Denali objects to this request as being vague, overly broad, and unduly burdensome. Denali further objects to this Request to the extent that it requests documents relating to entities other than Denali and that may not be in Denali's possession, custody, or control.

Subject to and without waiving these objections, Denali responds as follows. Federal, Arizona, and California regulations do not require Denali to collect soil data for the purposes of determining agronomic rate, and Denali did not use utilize soil sampling in calculating agronomic rates covered by this information request. 40 C.F.R. Part 503; Ariz. Admin. Code § R-18-9-1001, *et. seq.*; California State Water Resources Control Board General Order No. 2004-0012-DWQ.

**iii. Crop data by field including, but not limited to, crop planted, expected yield, dates of seeding, dates of harvest, Total fertilizer Nitrogen recommendation, and Supplemental Fertilizer Nitrogen (i.e., irrigation water).**

**RESPONSE:**

Denali objects to this request as being vague, overly broad, and unduly burdensome. On its face, this Request seeks virtually every document that Denali might possess relating to any crop data where biosolids were land applied on a combination of fifteen different farms in Arizona and California over five and a half years, encompassing many thousands of acres. Biosolids are land applied to anywhere from four to twenty fields per farm, with the number of fields receiving biosolids depending on the specific farm and year. Denali further objects to this Request to the extent that it requests documents relating to entities other than Denali and that may not be in Denali's possession, custody, or control. This Request also seeks documents and information that Denali has previously provided to EPA.

Subject to and without waiving these objections, Denali responds as follows. Between 2014 and August 2019, Denali has land applied biosolids on the farms in Arizona and California listed in Appendix A, with the specific farms where biosolids were land applied varying by year. Pursuant to the September 18, 2019 email correspondence referenced above, Denali is at this time producing the following documents that it has identified pertaining to the Arizona and California farms identified in Appendix A: the annual report for each field where biosolids were land applied in 2018, lab reports documenting testing results for biosolids land applied in 2018 and through September 2019. As 2019 is ongoing, Denali's annual report is not available yet and lab sheets are only available through October. Denali submits its annual reports to EPA no



later than February 19 of each year. Accordingly, Denali will provide the annual report for each field where biosolids were land applied in 2019 no later than February 19, 2020. Denali will submit the remaining lab sheets for 2019 at the same time. The annual reports and lab reports include the following information for each land application area on an annual basis: the types of crop(s) planned, the approximate dates of seeding and harvest, crop nitrogen usage and residual nitrogen. As agreed in the September email exchange, if EPA requires additional records after reviewing Denali's three initial submissions, Denali will coordinate with EPA to determine the scope and schedule of any subsequent productions.

Regarding Desert Ridge Farms ("Desert Ridge"), reported on at pages 3 – 18 in Part 3 of the 2018 annual report, in late spring – early summer of 2019, Denali learned that Steve Redger, the farm manager, delayed planting crops on several fields at Desert Ridge due to attempts to sell the farm. To date, Mr. Redger has delayed planting crops at the following nine-fields on the dates listed on pages 4, 6, 7, 9, 10, 12, 13, and 16 of Part 3 of the 2018 annual report: YM 6-2B, YM 6-4, YM 6-5, YM 6-8, YM 6-9, YM 6-13, YM 6-15, YM 6-17, and YM 6-22. In 2019, Denali has not sent biosolids to any fields at Desert Ridge since learning of Mr. Redger's delay planting crops.

Denali has been working to contract with the Desert Ridge trustee and Mr. Redger to plant and harvest crops on the respective nine fields. Denali will provide EPA Region 7 with additional information once a planting schedule has been established.

**iv. Land application records including, but not limited to, dates of application, application rates, volume applied, and size (in acres) of the application area.**

**RESPONSE:**

Denali objects to this request as being vague, overly broad, and unduly burdensome. On its face, this Request seeks virtually every document that Denali might possess relating to biosolids land application on a combination of fifteen different farms in Arizona and California over five and a half years, encompassing many thousands of acres. Biosolids are land applied to anywhere from four to twenty fields per farm, with the number of fields receiving biosolids depending on the specific farm and year. Denali further objects to this Request to the extent that it requests documents relating to entities other than Denali and that may not be in Denali's possession, custody, or control. This Request also seeks documents and information that Denali has previously provided to EPA.

Subject to and without waiving these objections, Denali responds as follows. Between 2014 and August 2019, Denali has land applied biosolids on the farms in Arizona and California listed in Appendix A, with the specific farms where biosolids were land applied varying by year. Pursuant to the September 18, 2019 email correspondence referenced above, Denali is at this time producing the following documents that it has identified pertaining to the Arizona and California farms identified in Appendix A: the annual report for each field where biosolids were land applied in 2018. As 2019 is ongoing, Denali's annual report is not available yet. Denali submits its annual reports to EPA no later than February 19 of each year. Accordingly, Denali will provide the annual report for each field where biosolids were land applied in 2019 no later



than February 19, 2020. The 2018 annual report specifies the date(s) which biosolids land application began at each land application site in a given year, the total amount of biosolids applied to each land application site on an annual basis, and the total area of each land application site in acres. The 2019 annual report will accomplish the same for 2019.

**c. For all sewage sludge related materials land applied by Denali Solid Solutions during calendar years 2014, 2015, 2016, 2017, 2018 and to date in 2019, provide all records related to whether the materials meet the management practice requirements found in 40 CFR Part 503.14. The records must include the following:**

**i. All records identifying whether or not threatened or endangered species are believed to be present within two miles of the application area.**

**RESPONSE:**

Denali objects to this request as being vague, overly broad, and unduly burdensome. Denali further objects to this Request to the extent that it requests documents relating to entities other than Denali and that may not be in Denali's possession, custody, or control.

Subject to and without waiving these objections, Denali responds as follows. The annual reports and lab reports Denali is producing does not include information on any endangered or threatened species within two miles of land application sites. As agreed in the September email exchange, if EPA requires additional records after reviewing Denali's three initial submissions, Denali will coordinate with EPA to determine the scope and schedule of any subsequent productions.

**ii. A map visually defining each application area, waterways within the area, and distances and dimensions marked in feet.**

Denali objects to this request as being vague, overly broad, and unduly burdensome. On its face, this Request seeks virtually every document that Denali might possess relating to any waterways near land application sites (which alone encompass many thousands of acres) on a combination of fifteen farms in Arizona and California over five and a half years. Biosolids are land applied to anywhere from four to twenty fields per farm, with the number of fields depending on the specific farm and year. Denali further objects to this Request to the extent that it requests documents relating to entities other than Denali and that may not be in Denali's possession, custody, or control. This Request also seeks documents and information that Denali has previously provided to EPA.

Subject to and without waiving these objections, Denali responds as follows. Between 2014 and August 2019, Denali has land applied biosolids on the farms in Arizona and California listed in Appendix A, with the specific farms where biosolids were land applied varying by year. Pursuant to the September 18, 2019 email correspondence referenced above, Denali is at this time producing the following documents that it has identified pertaining to the farms identified in Appendix A: the annual report for each field where biosolids were land applied in 2018. As 2019 is ongoing, Denali's annual report is not available yet. Denali submits its annual reports to



EPA no later than February 19 of each year. Accordingly, Denali will provide the annual report for each field where biosolids were land applied in 2019 no later than February 19, 2020. The 2018 annual report includes a map delineating the land application sites and nearby waterways on farms listed in Appendix A that received biosolids for land application in 2018, and the 2019 annual report will accomplish the same for 2019.

**iii. All records documenting agronomic rate calculations for all land application area in 2014, 2015, 2016, 2017, 2018 and to date in 2019.**

**RESPONSE:**

Denali objects to this request as being vague, overly broad, and unduly burdensome. On its face, this Request seeks virtually every document that Denali might possess relating to agronomic rate determination for biosolids land applied on a combination of fifteen farms in Arizona and California over five and a half years, encompassing many thousands of acres. Biosolids are land applied to anywhere from four to twenty fields per farm, with the number of fields depending on the specific farm and year. Denali further objects to this Request to the extent that it requests documents relating to entities other than Denali and that may not be in Denali's possession, custody, or control. This Request also seeks documents and information that Denali has previously provided to EPA.

Subject to and without waiving these objections, Denali responds as follows. Between 2014 and August 2019, Denali has land applied biosolids on the farms in Arizona and California listed in Appendix A, with the specific farms where biosolids were land applied varying by year. Pursuant to the September 18, 2019 email correspondence referenced above, Denali is at this time producing the following documents that it has identified pertaining to the farms identified in Appendix A: the annual report for each field where biosolids were land applied in 2018. As 2019 is ongoing, Denali's annual report is not available yet. Denali submits its annual reports to EPA no later than February 19 of each year. Accordingly, Denali will provide the annual report for each field where biosolids were land applied in 2019 no later than February 19, 2020. The 2018 annual report specifies the underlying data supporting the agronomic rate calculations, including plant available nitrogen, organic nitrogen, ammonia, nitrate, total amount of biosolids applied to each land application site on an annual basis, and the total area of each land application site in acres. The 2019 annual report will accomplish the same for 2019.

With respect to agronomic rates at certain fields on Desert Ridge Farms in 2018, Denali refers to and incorporates its response to Request 3.b.iii, above.

- d. If soil data requested in b.ii. above, is not available for Desert Ridge Farms fields where biosolids have been applied since 2014, then Denali shall sample each field for soil pH, phosphorous (P), potassium (K), nitrate (NO<sub>3</sub>), organic matter, arsenic, cadmium, chromium, copper, lead, mercury, molybdenum, nickel, selenium and zinc at depths of 1 foot, 2 feet, 3 feet, 4 feet, and 5 feet, at 4 locations within a 120 acre pivot.**

**RESPONSE:**



Denali objects to this request as being vague, overly broad, and unduly burdensome. Subject to and without waiving these objections, Denali will produce soil sampling data for Desert Ridge Farms no later than December 20, 2019 as discussed in email correspondence between Mr. Davis and Ms. Patricia Miller, Office of Regional Counsel, EPA Region 7, on October 22, 2019 and October 28, 2019, and subject to the outcome of any additional discussions and email correspondence between Mr. Davis and Ms. Bruno and Ms. Miller.



## **GENERAL OBJECTIONS**

1. Denali asserts all privileges it may have with respect to the Information Request, including the attorney-client privilege, the work product doctrine, all privileges related to materials generated in anticipation of litigation, and any other privilege recognized under law. Denali does not intend to waive any such privilege as to any privileged document that is inadvertently produced to EPA in response to the Information Request.
2. Denali objects to the reasonableness and relevance of this Information Request to the extent it seeks documents or information that go beyond the scope of governing Arizona, California, and federal regulatory requirements.
3. Denali objects to the Information Request to the extent it seeks documents or information that is already in the possession of EPA or any other government agency, or that is already in the public domain. Subject to and without waiving this objection, Denali's production of documents in response to the Information Request includes documents previously submitted to or obtained from federal or state agencies.
4. Denali objects to Instruction 7 on the basis that EPA has no authority to impose a general continuing obligation on Denali to supplement its responses. Denali will, of course, comply with EPA's lawful future requests for information and reserves the right to supplement this response should it discovery additional responsive documents after any established response deadline.
5. Denali objects to Instruction 10 on the basis that it purports to impose requirements inconsistent with EPA's regulations governing business confidentiality. Denali will assert claims of business confidentiality in the manner required by 40 C.F.R. § 2.204 on an as-needed basis.
6. Denali objects to Enclosure B on the basis that EPA has no authority under CWA Section 308 to require certification of responses to information requests.



### **STATEMENT OF CERTIFICATION**

I certify under penalty of perjury of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations.



Signature

Chris Marks

Printed Name

Environmental Manager

Title

11/08/19

Date



## **Appendix A**

### Denali Water Solutions' Land Application Sites in Arizona and California

1. Desert Ridge Farms, Yuma County, Arizona
2. Cullison Farms, Yuma County, Arizona
3. J Farms, Pinal County, Arizona
4. Arlington Farms, Maricopa County, Arizona
5. RPT Farms, Pinal County, Arizona
6. Broken Wing Farms, Maricopa County, Arizona
7. M&M Farms, Maricopa County, Arizona
8. Andersen Farms, Yuma County, Arizona
9. Skousen Farms, Maricopa County, Arizona
10. Robinson Ranch, Merced County, California
11. Baker Ranch, Merced County, California
12. B&L Ranch, Merced County, California
13. Diamond J Ranch, Merced County, California
14. River Bottom Farms, Riverside County, California
15. Tara Farms, Riverside County, California